

# THE DAILY HERALD

Will be for sale Daily at the Following Places:  
T. G. THURM.....Fort street  
J. H. SOPER.....Merchant street  
CRYSTAL SODA WORKS.....Hotel Street  
Price 5 Cents.

FRIDAY, DECEMBER 24, 1886.

## LOCAL NEWS.

Alakea street was an isthmus between two wide streams yesterday.

One lodger in the Merchant street hotel last night entered as drunk.

Wouldn't it be a lop-sided sort of a public question that didn't have two sides?

The Honolulu Library and Reading Room will be closed on Christmas Day.

The Christmas entertainment of the Bethel Union Sunday school abides more settled weather.

Captain Rust, of the Ella, had a nail penetrate his foot about half an inch through the shoe on Wednesday.

The Zealandia must be allowed the day of grace for English mails at this season, therefore need not cause disappointment by not arriving to-morrow.

At five o'clock this afternoon the Fowler's yard Sunday school will have a Christmas festival in the parlors of Fort street.

The rain was very hard on the new plants on the mountain side of the Government building, but only one of them washed was out completely.

Mrs. Cyril Flower has been invested in London with the Companionship of the Royal Order of Kapiolani, for merit, by command of King Kalakaua.

"For sale, a twenty pound turkey—enquire within," was the entry on Mr. Soper's bulletin board yesterday. She will be apt to go off if she is loaded.

Conundrum—dedicated to W. A. S. B.: How are the Christmas holidays like the keys of a school piano? Give it up. Because the children play on them.

The volcano on Queen street will not suspend activity on Christmas Day, but careful guides will conduct holiday keepers to the center of the caldera.

An item of foreign news by last mail, which we missed hitherto, is that a son was born to Prince Louis of Battenburg and Princess Beatrice on November 23rd.

"Samoa soup!" shrieks a guest at a Honolulu restaurant to a Chinese waiter. "Me no sabee too muchee Lawaian politikee—you go see Missce Gibson," replies the waiter.

The W. C. T. U. will give a Christmas festival to the younger members of the Young People's Christian Temperance Union, at Fort-street Church parlors next Monday evening.

Mr. E. B. Thomas has covered a large lot of barreled lime, corner of Queen and Alakea streets, with a shed of corrugated iron, to prevent combustion through the action of the rain.

Service will be held for the first time in the chancel of St. Andrew's Cathedral to-morrow. Bishop Willis will preach at 9:30 and Rev. Geo. Wallace at 11:15 a. m. Fine music is promised. Collections will be taken at both services for the building fund.

"A deep, dark hole," left by the Water Works laborers, is reported by a recent wayfarer down the Valley, as existing in the road above the old ice works and being without a warning beacon at night. Another pitfall is said to be in the road farther up.

A man named Foster, recently discharged from the position of bartender at the Empire Saloon, left by the Australia for San Francisco, a numerous company of creditors lamenting his departure, but those who knew his intention to leave did not consider they would be any better off by detaining him.

There is a pile of festering offal and rubbish close to the Palama road, nearly opposite the former Kaai property. At the base of the mound is a great pool, covered with a thick, green scum. It is a wonder how the neighborhood escapes an epidemic of fever from the foul effluvia always rising from the spot.

Messrs. G. W. Macfarlane & Co. have imported a W. E. Death ramic machine, that has been very favorably mentioned in the English papers. A private trial of the machine has been made here, but the ramic operated on was too old cut. Still a finely cleaned fibre was the result. There will be a more public exhibition of the machine shortly, when a supply of green ramic is obtained.

"As a true tonic, effective invigorator and genuine appetizer, Duffy's Malt Whisky is unexcelled."

THE DAILY HERALD, 50 cents per month delivered.

Try Martinelli Cider. It is absolutely pure. Macfarlane & Co., agents.

## LIBERTY OF THE PERSON.

### An Important Habeas Corpus Case.

There came up for hearing before His Honor the Chief Justice, in Supreme Court Chambers yesterday afternoon, an application by one J. H. Congdon, prisoner in the custody of the Marshal, that a writ of habeas corpus be issued discharging him from imprisonment. Quite an array of counsel attended the hearing. Messrs. Ashford & Ashford, having Messrs. Neumann and Dare associated with them, appeared for the petitioner; Mr. F. M. Hatch appearing for the Marshal, respondent. The petitioner was also present, respondent having been ordered to produce him in Court. Following is the Marshal's return:—

"John D. Kaulukou, Marshall of the Hawaiian Islands, makes return of the writ of habeas corpus addressed to him as follows:—

"1st. He admits that he has said J. H. Congdon in his custody and produces him here in Court.

"2nd. He justifies his arrest and detention of said J. H. Congdon as follows, and says: That a writ commanding the arrest of said J. H. Congdon and detention until he should give security, was issued from the Clerk's office of the Supreme Court under the seal of said Court and placed in his hands on the 22nd day December inst., a copy of which writ is hereto annexed and made a part hereof; that said writ was issued in a civil suit brought by H. Ackerman against said J. H. Congdon on the allegation that said Congdon was about to quit this Kingdom, and a bond filed in the Clerk's office in compliance with an order made in said suit by the Hon. L. McCully, one of the Justices of the Supreme Court; and that said writ commanding the arrest of said Congdon was allowed by said Justice and his allowance of the same noted on said writ.

"Therefore he submits to such order as the honorable Court shall make in the premises.

"JOHN L. KAULUKOU, "Marshal."

December 23, 1886.

After the reading of pleadings in the case, counsel proceeded to argue. The points brought out in argument were numerous and the principles of law suggested by counsel were important. There were, of course, different constructions of the law on habeas corpus set out by counsel.

It will be remembered that the petitioner, being a defendant in a civil suit now pending before the Supreme Court, was arrested on the 22nd inst., on board the S. S. Australia, by order of Justice McCully, until he should give bond to secure the payment of a debt claimed to be due one H. Ackerman, captain of the barkentine Geo. C. Perkins, for freight.

Counsel for petitioner argued that application for the warrant of arrest was incomplete in that it did not allege any debt due; that the allegation that defendant was intending to depart from the Kingdom, standing alone, was insufficient to justify the arrest, and that the facts stated on behalf of Ackerman should have been positive and not merely on belief. The form of the writ and bond filed on his behalf, that he would respond in damages in case he could not sustain his case, was severely attacked by counsel for the petitioner. On behalf of the other side a suggestion was thrown out that a writ of habeas corpus would, if granted, confound the prerogatives of the justices, to wit: where one justice orders the arrest and another grants the discharge, and it was argued by Mr. Hatch that the better course would have been to apply to the justice who authorized the issuing of a warrant of arrest, to vacate the instrument.

The arguments of counsel throughout were forcible on both sides. On the prisoner stating that he was conveniently provided for by the Marshal, His Honor said he would render his decision in the matter this afternoon at one o'clock. The case is not only one of law but also of what should have been the course of practice, and, as Mr. Neumann said in the course of his remarks, one that will establish the mode of procedure in cases of that nature in future.

## BUSINESS ITEMS.

Everybody says the imported Candies at the Elite are yam-yam. Go and try some!

Miss Tuck, at Miss Barry's, Punchbowl street, has received by last steamer a large assortment of Stamping Patterns for fancy work.

No hand-book excels the Hawaiian Almanac and Annual for reliable statistical and general information relating to these Islands. Price 50 cents.

Now is the time to get your Christmas Cards. We have just received a large and well selected stock, all new, and of the latest designs. Call and get one, King Bros., Art Store, Hotel street.

If you want a good smoke for your money, patronize home industry and call at J. W. Hingley's, Crystal Soda Works, 69 Hotel street. Island orders solicited and promptly filled. There is no license required to sell these cigars. Do not forget the name, J. W. Hingley, not the place, Crystal Soda Works, Hotel street.

A GOOD REMEDY.—One feels better, acts better and is contented after taking a plate of Good and Pure Ice Cream as they serve at the Elite Ice Cream Parlors, 85 Hotel street. Delicious Fruit Ices and Sherbets in ever-changing variety. The Fancy Cakes and Cakes of all superior make and quality are all the go! All orders promptly attended to. Ring up 338 Mutual Telephone—Bell 182.

## SUPREME COURT.

### FORECLOSURE.

At Chambers yesterday, before Judge Preston, the case of Hop Sing and others against Kum On and others on a bill to foreclose mortgage, was argued and decision reserved. C. W. Ashford and W. A. Kinney for plaintiffs; P. Neumann and F. M. Hatch for defendants.

### Christmas at the R. C. Cathedral.

This is a day of fast and abstinence among Roman Catholics. Christmas is a holy day of obligation, to be observed at the Cathedral here with low masses from five to nine in the forenoon, and pontifical high mass at ten, followed by baptism. St. Louis College choir, assisted by the band, will render Werner's mass in C, and an English sermon will be preached. A collection will be made to pay for the new roof on the edifice. There will be confirmation at three in the afternoon, followed by rosary and benediction.

### SIDE LIGHTS.

The "Pink of Key West" at McCarthy's.

Fresh stocks of hay and grain are announced to-day by the Union Feed Company.

See Mr. Fisher's new spread in today's issue.

The Elite has a large show case with bright, white, ornamented cakes on view, some of them labeled "sold."

Run over the advertising columns of the HERALD inside and outside, to find the best places for buying Christmas and New Year's presents.

Mr. Nolte, landlord of the Beaver coffee saloon, will treat his patrons to Christmas turkey at luncheon to-day noon.

To-night the last chance for Christmas goods will be given at Mr. Levey's sales-room. Toys for the children and fancy articles for all ages and sexes. Sale begins at 7 o'clock, and those first there will have the largest choice.

Ladies, as usual, will be provided with good seats where they will only have to nod to Mr. Levey to get goods at their own prices. Going, going, gone!

The S. S. Australia in leaving the dock Wednesday parted her head line when out in the stream, and was obliged to cast her anchor to fetch her round in the right direction. When in the channel the pilot's boat had its rudder cut off by a line, and the crew were obliged to cast off from the steamer to save themselves from a ducking. The steamer was delayed a little waiting for the boat to catch up.

Mr. J. H. Congdon, who was stopped from leaving by the steamer on Wednesday, only arrived here this time from San Francisco on Sunday last. He was served with a summons in a civil suit for the \$600 freight on Monday, and it was a bad lookout that he did not consult the judicial authorities before trying to get away.

Try Martinelli Cider. It is absolutely pure. Macfarlane & Co., agents.

If you want to know all the news you must read the HERALD.

## Shipping Intelligence.

### ARRIVALS.

THURSDAY, Dec. 21.  
Schr Kilauoa Hou from Hamakua  
Schr Emma from Kauai  
Schr Mille Morris from Lanai

### VESSELS LEAVING TO-DAY.

THURSDAY, Dec. 23.  
Schr Nettie Merrill for Hawaii

### Vessels in Port from Foreign Ports.

Ger bk Pacific, Oltman, from Bremen, Germany  
Am bkine Geo C Perkins, Ackerman, from San Francisco  
Haw schr Jennie Walker, Anderson, from Fanning's Island  
Bkine Mary Winkelman, Backus, from San Francisco  
Am bk Forest Queen from San Francisco  
Bkine Wrestler, Schanane, from Newcastle, N S W  
Bk Leyton, from San Francisco  
Bk Nellie May, Austin, from N C; N S W  
Haw S. S. Australia, Houdlett, from San Francisco  
Am bk Saranac, from New York  
Bkine W H Diamond from San Francisco  
Am ship Mercury from Newcastle, N S W  
Bkine Eureka from San Francisco  
Bk Star of Devon from Fanning's Island  
Bkine Claus Sprickels from San Francisco  
Bkine Ella from San Francisco  
Bkine John Smith from Newcastle, N S W

### Vessels Expected from Foreign Ports.

Am bkine Salina Blake, from San Francisco, due, August 13-30, 7-12, T H Davies & Co, agents.  
Am bkine S N Castle, Hubbard, from Port Townsend, W T, due December 15-20, Castle & Cooke, agents.  
Haw bk Lady Lampton, Marston, from Newcastle, due February 10-20, To Brewer & Co, agents.  
Ger bk Hydra, from Hongkong, due December 1-13, Ger bk Hercules, from Liverpool, due February 20-30, 1897, To Schaefer & Co, agents.  
S S Alameda, Morse, from the Colonies for San Francisco, due December 17.  
S S Zealandia, from San Francisco for the Colonies, December 25.  
Am schr W. S. Bowne, Paul, from San Francisco, due December 30-31.  
Schr Explorer, from Apia, due December 31-31.  
S S Mariposa, Hayward, from the Colonies due January 14.

### NOTES.

The schooner Emma arrived yesterday from Kauai with 150 bags paddy, 50 bags sugar, 125 bags rice, 50 bags rice bran, 5 hides, 3 pigs, 3 cows, and 30 calves.  
The schooner Jennie Walker will sail Saturday for Fanning's Island.  
The bark Pacific will sail to-morrow for Germany.  
The bark Ceylon is through discharging and will be moved out in the stream to-day to await a cargo of sugar.  
The barkentine Mary Winkelman has been moved around to the P M S S Co's wharf, where she will take in sugar to-day.  
The bark Nellie May is still discharging her cargo of coal.

## The Best Tonic.

Mr. Henry Billings, Washington, D. C., writes: "I have used your Duffy's Pure Malt Whisky for medicinal purposes. As a tonic I consider it superior to the hundreds of concoctions which are now flooding the land as stimulant liquors."

## New Advertisements.

# Closing Sale CIGARS

—OF THE—  
SEASON.  
This FRIDAY EVENING at 7 o'clock at my sales-rooms I will sell at

## Public Auction

An assortment of  
TOYS AND FANCY ARTICLES.

Suitable for  
XMAS PRESENTS.

Come early and secure Bargains.

LEWIS J. LEVEY, Auctioneer.

## Christmas is Coming

—AND—  
GOO KIM IS PREPARED

With a large variety of goods suitable for presents to old and young. Received by the "Mariposa."

## Chinese New Goods

—FOR—  
Christmas Presents.

Embroidered Silk Handkerchiefs, with borders in all colors; Embroidered Grass Cloth Handkerchiefs; Silk Crepe Shawls, all colors.

## DRESS MATERIAL,

In Silk, Pongee Silk and Grass Cloth; Fans in Great Variety.

Also a full line of Fancy English and American Goods; a full line of Millinery Goods; Laces; new patterns of Embroidery; Linen Handkerchiefs all kinds; Children's Clothing, Hats, Caps, etc.; Ladies', Gentlemen's and Children's Underwear; and, in short, everything to be found in a first-class Dry Goods Store.

## GOO KIM,

Corner Fort and Hotel Sts.

## ORDER OF EVENING SALES

—FOR—  
XMAS HOLIDAYS.

By Lewis J. Levey.

WEDNESDAY, Dec. 22d, at 7 p. m. at M. Rosenthal's, of New Goods to arrive on Dec. 15th, by Steamship Australia.

FRIDAY, Dec. 24th, at 7 p. m. at salesroom.

The comfort of ladies attending my sales will be specially attended to.

LEWIS J. LEVEY, Auctioneer.

## C. J. McCarthy

HAS RECEIVED FROM

San Francisco per "Mariposa" and other late arrivals, a very choice collection of cigars and smokers' articles, consisting in part of

Havana Cheroots, Operas, Duettas, Little Dudes, Triplets, Cherubs and the Fine Flor de Cuba.

Also some Full Dress, Pet, Sweet Caporal, and other popular brands of Cigarettes.

Don't forget to come and try some of these fine goods which can be had at

107 FORT STREET.

## New Goods!

New Goods per Mariposa.

## AUGUSTUS L. SMITH

Has received an excellent assortment of

CHRISTMAS GOODS, among which are

Christmas cards, plain and fringed, ranging in price from 5 cents upwards; Dolls in great variety, large and small; Doll Carriages,

Transparent slates, Writing desks, Dominoes,

Checkers, Perfume cases, Christmas candles,

Candle holders, Tree ornaments, Trumpets,

Tops, Paint boxes, Purses, Papeteries, Etc.

Etc., Etc., Etc.

## WARNING.

ALL PERSONS ARE WARNED

Against trespassing on the premises of the

subscriber, on Beretania street, next St. Louis

College. Offenders will be prosecuted, and

any person found on the place at night will be liable to get hurt.

Honolulu, Dec. 23.

## ADMINISTRATOR'S NOTICE.

THE UNDERSIGNED HAVING

been duly appointed Administratrix of the

estate of Keone Kapu, late of Honolulu,

deceased, all persons having claims against the

said estate are notified that they must present the same duly verified and with proper

vouchers to the undersigned within six months from date of this notice or they will be forever barred, and all persons indebted to said estate are requested to make immediate payment to me.

LAVINIA KAPU.  
Administratrix of the estate of Keone Kapu.  
Honolulu, Dec. 22, 1886.

## New Advertisements.

# JUST RECEIVED

A small invoice of

# CIGARS

Imported direct from Havana.

## C. O. BERGER.

## A CARD.

Messrs. H. MAY & CO., would respectfully notify their patrons and the public in general that their store will not be opened on Christmas day.

# MINCE PIES!

Those Delicious and Rich Christmas and New Year's

## MINCE PIES

Enjoying a twenty years' reputation, will be ready for sale from THURSDAY, December 23rd, at

## F. HORN'S.

—ALSO—

## CHRISTMAS AND NEW YEAR'S CAKE

Of all descriptions, decorated in HORN'S well known artistic style, from \$1.00 to \$5.00, or at 50 cents per pound, at the

Pioneer Steam Candy Factory & Bakery.

Hotel St., bet. Nuuanu and Fort St.  
Both Telephones No. 74.

## J. H. SOPER

Invites attention to the following list of

## HOLIDAY GOODS

Just received per Oceanic steamship Australia:

## CHILDREN'S BOOKS.

Chatterbox 1886, beautifully bound.

Frank Leslie's Chatterbox, do.

Our Hero General U. S. Grant—Where, When and How He Fought.

Nursery A. B. C., Picture, Story, Magic, Dream and Fortune Telling Books, etc.

## CARDS AND PICTURES.

CHRISTMAS CARDS, beautiful designs, including Raphael Tuck & Sons' Artistic Series.

Large Scrap Pictures, comprising the Lord Mayor's Procession, The Queen Returning from a Review, and other grand subjects.

Small Shell Plaques.

Children's Toy Blocks.

Games, etc., etc.

## STANDARD BOOKS.

Family Bibles with Registers.

Hill's Manual.

Secrets of Success in Business.

Golden Key to Success.

Successful Housekeeping.

Ben Hur.

Boots and Saddles.

And a large variety of popular works.

## GOLD PENS AND HOLDERS

In large supply and variety; Diaries, Pocket Books, Blank Books, etc., etc.

## J. H. SOPER,

Bookseller, Stationer and News Agent.

Gazette Block, Merchant Street.

## HANDY STATIONERY.

LEGAL CAP PERFECTION PADS.

HODDER'S LETTER PADS.

Letter, Cap and Note Blocks of first quality paper.

Legal Cap, Letter and Note Blocks of ruled Manila paper, plain Memo and Note blocks, M. & H. form blocks

10 1/2" for Bills, Statements, Wash-lists, etc.,

Or Paper PUT UP in ANY FORM Desire

By THOS. G. THURM

106 FORT STREET.

## W. F. ALLEN.

Has an office with Messrs. Bishop & Co., corner of Merchant and Kaimukua streets, and he will be pleased to attend to any business entrusted him.

## WOLFE & CO.,

No. 66 HOTEL STREET.

## Have Received by Late Arrivals

American and English Jams and Jellies, Table and Pie Fruit, Star Hams, Oxford Sausages, Curried Fowl, Kipperd Herring, Preserved